



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert H. Corbin

April 25, 1979

Mr. John T. Hestand
Deputy County Attorney
Pinal County Attorney's Office
P.O. Box 887
Florence, Arizona 85232

**LAW LIBRARY
ARIZONA ATTORNEY GENERAL**

Re: 179-113 (R79-046)

Dear Mr. Hestand:

Pursuant to A.R.S. § 15-122(B), we decline to review your February 9, 1979 opinion addressed to the Superintendent of the Casa Grande Elementary School District #4 relating to whether the District may deposit a restitution check from the Pinal County Probation Department into the Student Activity Account when the subject of the restitution was property belonging to the Student Council.

We believe A.R.S. § 15-436(B), shielding the board from personal liability when relying upon the Attorney General's written opinion, applies equally to board action taken in reliance on a County Attorney's opinion which we have declined to review pursuant to A.R.S. § 15-122(B).

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

BC/mm

ROY A. MENDOZA
PINAL COUNTY ATTORNEY

W. ALLEN STOOKS
CHIEF DEPUTY

LARRY N. MOREHOUSE
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OFFICE OF THE

County Attorney

PINAL COUNTY
FLORENCE, ARIZONA 85232

February 9, 1979

JACK D. EXLINE
DIRECTOR, DEFERRED
PROSECUTION PROGRAM

RAY R. VASQUEZ
INVESTIGATOR

TELEPHONE:
AREA CODE 602
868-5801, EXT. 215
P. O. BOX 887

R79- 046

Dr. W. Dean Skaggs, Superintendent
Casa Grande Elementary School District #4
1460 North Pinal Avenue
Casa Grande, Arizona 85222

Dear Dr. Skaggs:

You requested a County Attorney's opinion.

Question:

May the District deposit a restitution check from the Pinal County Probation Department into the Student Activity Account when the subject of the restitution was property belonging to the Student Council.

Answer:

Yes, see body of opinion.

Facts:

The Casa Grande Junior High School was sent a check from the Pinal County Probation Department which was restitution for the theft of a belt belonging to a junior high school student and a camera which belonged to the Junior High School Student Council.

Opinion:

It is the opinion of this office that this check should be deposited in the account of the Student Council which should issue a check to the student as reimbursement for the stolen belt. Normally a check for reimbursement

Dr. W. Dean Skaggs, Superintendent
Casa Grande Elementary School District #4
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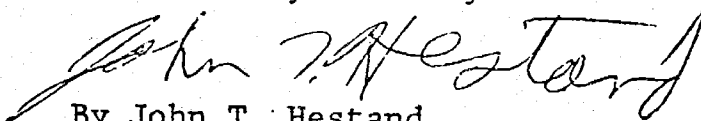
R79- 046

for damage done to the school should go into the general fund. However, in this case, the damage was not done to the district but to a student organization and a student.

Should you have any questions about this opinion, please do not hesitate to call.

Sincerely yours,

ROY A. MENDOZA
Pinal County Attorney

A handwritten signature in cursive script, appearing to read "John T. Hestand".

By John T. Hestand
Deputy County Attorney

JTH: drk